

A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, VII OF 1906.

WHEREAS it is expedient further to amend the Mysore Municipal Regulation, 1906, His Highness the Maharaja is pleased to enact as follows:—

1. For the proviso to sub-section (1) of Section 10, the following shall be substituted:—

“Provided that the number of elected Councillors shall not be less than two-thirds and one-half of the whole number, inclusive of the President, in the case of City and other Municipal Councils, respectively, and that not more than one-half of the nominated Councillors shall be salaried servants of Government.”

2. For the words “for the like period, has been paying” in clause (c) of Section 12, the words “was for the preceding year, assessed to” shall be substituted.

3. After sub-section (2) of Section 13, the following new sub-section shall be inserted:—

“(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye-election held before his term of office as Councillor.”

Provided that if any company, body corporate, or other association of individuals is enrolled in the Municipal Election Roll, any one person duly authorised in this behalf to represent such association shall be deemed to be qualified to be elected a Councillor.”

4. For Section 23 of the Regulation, the following shall be substituted:—

“(1) Every Municipal Council shall be presided over by a President who shall be either:—

(a) appointed by the Government by name, or
(b) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or

(c) if the Government so directs, elected by the Municipal Council in accordance with such rules and conditions as may be prescribed by Government in this behalf, or

(d) if the Government so directs, elected by persons entitled to vote under Section 13, subject to such rules and conditions as may be prescribed by the Government in this behalf.

(2) When an office has been notified under clause (b) of sub-section (1), the person from time to time executing the functions of that office shall continue to be President, unless and until such notification is altered or rescinded by the Government.

(3) During the period intervening the expiry of the term of a President on reconstitution of a Municipal Council and the election or nomination as the case may be, of another President, the Deputy Commissioner in the case of Municipalities at District Headquarters, or the Amildar in case of other Municipalities shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder take the place of the President until such elected or nominated President enters on his duties.

(4) (a) There shall be a Vice-President for such Municipal Councils as the Government may direct.

Amendment of Section 13

Enrolment in Municipal Election Roll necessary for elected Councillor.

Representative of an Association.

Amendment of Section 23.

Effect of notification of *ex-officio* President.

(b) The Vice-President shall be elected by Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf.

Provided that the Government may for special reasons and in the case of such Municipal Council as it may deem fit appoint the Vice-President by name.

Consequences
of absence of
President or
Vice-Presi-
dent without
leave.

(5) Except in the case of a salaried servant of Government who is either an appointed or an *ex-officio* President, every President, who for a period exceeding three months, and every Vice-President who for a period exceeding fifteen days, shall absent himself from the municipality in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President unless leave so to absent himself has been granted.—

(a) by the Government in the case of a President appointed under clause (a) of sub-section (1);

(b) by the Municipal Council in the case of an elected President or of a Vice-President.

Limit to
grant of leave
and arrange-
ments pend-
ing absence
of Vice-
President

(6) Leave under the last preceding sub-section shall not be granted for a period exceeding six months and whenever leave is granted to a Vice-President under that sub-section a Councillor shall be elected, subject to the conditions to which the election of the Vice-President so absenting himself was subject, to perform all the duties and exercise all the powers of a Vice-President during the period for which such leave is granted.

Liability of
President
and Vice-
President to
remove and
term of
office.

(7) Every President and Vice-President shall be removable from his office as such President or Vice-President by the Government for misconduct, or neglect of or incapacity to perform his duties and the term of office of every President, and of every Vice-President, shall cease on the expiry of his term of office as Councillor.

Vacancies in
their office
how to be
filled up.

(8) In the event of the death, resignation or removal from office of a President other than an *ex-officio* President, or of a Vice-President, or of his becoming incapable of acting in such office or having ceased to be a Councillor under sub-section (2) of Section 15, previous to the expiry of his term of office as President or Vice-President, the vacancy shall be filled up by the appointment or election, as the case may be, of some other Councillor thereto.

Remunera-
tion of
President and
Vice-Presi-
dent of
Municipal
Council.

(9) The President or Vice-President of any Municipal Council may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government.

Provided that it shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government, the salary of any Government officer whose services are lent for employment as Vice-President or President."

Amendment
of Section
28.

5. In the explanation at the end of Section 26 the words "or Sanitary" shall be inserted after the word "Medical."

Amendment
of Section
29 A.

6. In Section 29A of the Regulation the words "a Committee called the Economic Committee to deal with questions relating to the development of Education, Agriculture and Industries and Commerce," shall be substituted for the words "three Committees to deal respectively with Education, Agriculture, Industries and Commerce."

Amendment
of Section 31.

7. (1) In Section 31 for the word "one third" after the words "shall not exceed" the word "one half" shall be substituted.

(2) In the same Section "29, 29A" shall be inserted for "29."

Amendment
of Section 46.

8. The following shall be substituted for proviso (a) to Section 46 of the Regulation, viz:—

"(a) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in

clauses (b) (ii), (c), (e), (f), (g) and (h) in respect of all or any class of Municipal Councils or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless, and until it has been also approved by the Government."

9. (1) After sub-clause (ii) of clause (b) under sub-section (1) of Section 48, the following new sub-clause shall be inserted:—

Amendment of Section 48.

"(iii) as a hotel, bakery, sweetmeat shop or otherwise for the preparation, manufacture or sale of articles intended for human food or drink"; the present sub-clause (iii) being re-numbered as sub-clause (iv):

(2) After sub-clause (iv) of clause (b) under the same sub-section, the following new sub-clause shall be added:—

"(v) or for any other purpose for which the taking out of a license is or may be prescribed."

(3) For clause (c) under the same sub-section, the following shall be substituted:—

"Prescribing the conditions on, or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, workshop or workplace in which it is intended that steam, water, electrical or other mechanical power shall be employed, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed."

For licensing the use of steam whistles, etc.

(4) In sub-section (1) of the same section, the following shall be inserted between clauses (c) and (d):—

For construction of houses for the poor.

"(dd) regulating the conditions for the construction, use and disposal of houses intended for the poor."

(5) In clause (d) of the same sub-section between the words "foundations" and "roofs" the word "floors" shall be inserted.

(6) At the end of the same clause after the semicolon, the following words shall be added "and prescribing a time limit for the erection of buildings."

Prescribing time limit for buildings.

(7) After clause (d) of the same sub-section, the following new clause shall be added:—

"(pp) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating, in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose."

For regulating construction or use of buildings for grain shops and stores and for regulating construction or use of buildings so that they may not be a source of nuisance in residential localities, etc.

10. In Section 52, after the first paragraph, the following additional proviso shall be inserted:—

Amendment of Section 52.

"Provided that any funds granted to the Municipal Council by the Government for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf."

11. The following new clauses shall be added after clause (b) under Section 56 of the Regulation:—

Amendment of Section 56.

"(bb) Constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor."

"(c) granting loans to encourage local arts and industries."

12. (1) After clause (x) of Section 59 of the Regulation, the following new clause (xi) shall be inserted, the present

Amendment of Section 59.

clauses (xi) and (xii) being re-numbered as (xii) and (xiii), respectively:—

“(xi) a tax on shops where business is carried on for purposes of profit payable half-yearly by the person or persons engaged in the business at such rates not exceeding those specified in Schedule II (A) as may be fixed by the Municipal Council concerned.

Provided that where a Municipal Council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades, and callings under clause (x) in respect of the business carried on in the shop.”

Amendment
of proviso (a)
to Section 59

(2) For proviso (a) to Section 59, the following shall be substituted:—

“(a) no tax imposed as aforesaid, other than a special Sanitary cess or water-rate shall, without the express consent of Government, be leviable in respect of—

(i) any building or part of any building belonging to Government and used solely for public purposes, and not used or intended to be used for residential purposes or for purposes of profit;

(ii) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purposes of profit;

(iii) any building or part of a building ordinarily used as a place of public worship or used for charitable, but not residential purposes;

(iv) any building or part of a building set apart for the occupation of His Highness the Maharaja or His Highness the Yuvaraja;

(v) any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja; and no toll shall be leviable for the passage of troops or the conveyance of Government stores or of any other Government property or property of His Highness the Maharaja or His Highness the Yuvaraja or for the passage of Military or Police Officers on duty, or the passage or conveyance of any persons or property in their custody.”

13. After sub-section (2) of Section 70, the following sub-sections shall be inserted:—

Farming of
fees.

“(3) It shall be lawful for the Municipal Council to lease the levy of any fee that may be imposed under sub-section (2) by public auction or private contract, provided proper security is taken from the lessee for the due fulfilment of the conditions of the lease.

Power of
lessee to
expel persons
who refuse to
pay fees.

(4) When any fee has been leased under sub-section (3) any person employed by the lessee to collect such fee or the lessee himself may subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee, but refuses to pay it.”

New Section
81A.

14. After Section 81, the following section shall be inserted:—

Farming of
tolls.

“81A. (1) It shall be lawful for the Municipal Council to lease the levy of any toll that may be imposed under this Regulation by public auction or private contract; provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of Section 79; provided that no article distrained may be sold except under the orders of the President.

15. (1) After sub-section (2) of Section 83 of the Regulation, the following shall be inserted as sub-section (2a):—

Amendment of Section 83

"(a) Where the property is in the area under the control of the Municipal Council, the warrant shall be addressed to an officer of the Municipal Council. Where the property is in another Municipality, or in a place which is not a Municipality, the warrant shall be addressed to the President of the Municipal Council concerned or to the Amildar of the Taluk as the case may be; provided that such President or Amildar may endorse such warrant to a subordinate officer."

To whom the warrant should be addressed.

(2) In sub-section (3) of the same section for the words "any municipal officer," the word any "officer" shall be substituted.

16. After Section 84, the following section shall be inserted:—

Addition of Section 84 A.

"84A. Where the warrant is addressed outside the Municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall be modified accordingly. Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued."

Distrain and sale outside the Municipality.

17. After Section 91, the following new Section 91A shall be inserted:—

Addition of a new Section 91A.

"91A. (1) It shall be the duty of every Municipal Council to prescribe a line on each side of every public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution for any line so prescribed, or for any part thereof:

The regular line of a public street.

Provided that—

(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipal Council shall give public notice of the proposal and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed, and

(b) the Municipal Council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipal Council within such time as they may specify in such public or special notice.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) Except under the provisions of Section 113, no person shall construct, or without the permission of the Municipal Council under Section 96 reconstruct any portion of any building within the regular line of the public street.

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to one thousand rupees; and the Municipal Council may—

(a) direct that the building be stopped, and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary."

18. After Section 93, the following new Section 93A shall be inserted:

Addition of a new Section 93A.

"93A. No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Regulation and of any bye-laws made under this Regulation relating to the use of building sites or the erection or use of buildings;

Building site and construction or reconstruction of buildings.

Provided that the Government may in respect of all Municipalities or with the consent of the Municipal Council, in respect of any particular Municipality or portion thereof, exempt

Addition of a new Section 93B.

Power of Municipal Council to regulate future construction of buildings in particular streets or localities.

all buildings or any class of buildings from all or any of the provisions of this Regulation or the bye-laws made thereunder

19. After Section 93A, the following new Section 93B shall be inserted:—

"93B. (1) The Municipal Council may give public notice of its intention to declare—

(a) that in any streets or portions of streets specified in the notice.

(i) continuous building will be allowed,
(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the Municipal Council may consider suitable to the locality, or

(b) that in any locality specified in the notice, the construction of only detached buildings will be allowed or,

(c) that in any street, portions of streets or localities specified in the notice, the construction of shops, warehouses, factories, huts, or buildings of a specified architectural character or building destined for particular uses will not be allowed without the special permission of the Municipal Council.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The Municipal Council shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it, but not so as to extend its effect.

(4) The President shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct, or reconstruct any building in contravention of any such declaration."

20. After Section 93 B, the following new Section 93 C shall be inserted:—

Addition of new Section 93 C. Buildings at corner of streets.

"93C (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent, otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the Municipal Council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets."

Addition of a new Section 96 A.

Rat-proof building for grain shop or grain store.

21. After Section 95, the following new section shall be added:—

"95A. The Municipal Council may require that any building, used or intended to be used as a grain shop or grain store, shall be erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building;

Provided that the provisions of this section shall be Enforcable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government."

Addition of a new Section 137.

22. After Section 137, the following new section shall be inserted:—

"137A. Within such limits as the Municipal Council may direct, no person shall keep more than ten pigs or more than twenty goats without a license from the Municipal Council. The Municipal Council may charge an annual fee not exceeding Rs. 2 for such license and may impose such conditions in respect of such license as they may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this

section shall be punishable with fine which may extend to Rs. 25."

23. (1) For clause (k) of Section 151, the following shall be substituted:—

(k) For boiling, pressing, cleansing, repairing or manufacturing by any process whatever, oil (edible or non-edible.)

Amendment of Section 151.

(2) In the same section, the following shall be added after clause (i):—

"(ii) for parching grain."

(3) After clause (n) in the same section, the following additional clause shall be inserted:—

"(m) for storing grain for trade purposes."

(4) for the word "smells" in clause (o) of the same section, the words "smells, fumes or dust" shall be substituted.

24. After Section 151, the following new section shall be inserted:—

Addition of a new Section 151 A. Factories in crowded localities.

"151A. (1) No person shall newly establish in any premises, any factory, workshop or work-place in which it is intended that steam, water, electrical or other mechanical power shall be employed without the previous written permission of the Municipal Council.

(2) The Municipal Council may refuse to give such permission if they be of opinion that the establishment of such factory, workshop or work-place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory, workshop or work-place as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees."

25. After Section 151 A, the following new section shall be inserted:—

Addition of a new Section 151 B.

"151 B. (1) No person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council.

Use of siren or whistle for summoning or dismissing workmen.

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of, any of the conditions of, or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees."

26. After Section 161 of the Regulation, the following new section shall be added as Section 161A:

Addition of new Section 161 A.

"161A. A Municipal Council may—

(a) compromise with any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

Power to compound offences.

(b) withdraw from prosecutions instituted under this Regulation or under any bye-law made thereunder;

(c) compound any offence against this Regulation or against any bye-law made thereunder which, under any enactment for the time being in force, may lawfully be compounded:

Provided that Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section."

Addition of
new Section
164 A.

27. After section 64 of the Regulation, the following new section shall be added:—

"164A. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made, a suit might have been instituted or prosecution might first have been commenced, as the case may be, in respect of such sum."

Addition of a
new Section
173 A.

28. After Section 173 of the Regulation, the following new Section shall be inserted:—

Deputy Com-
missioner's
power of in-
spection of
Municipal
Councils.

"173A. The Deputy Commissioner shall have power—
(1) to inspect the office of any Town or Minor Municipal Council.

(2) to call for records of any Town or Minor Municipal Council either of his own motion or on the application of an aggrieved party and to submit the same with his opinion to Government for such orders as they deem fit to pass, if he is satisfied that the order or proceedings of the Council or its executive is wrong or contrary to law."

Amendment
of Section
80 A.

29. In Section 180A of the Regulation, the words "or other Municipal Councils specially exempted" shall be added after the words "City Municipal Councils".

30. (1) In Schedule II above the words "on every four-wheeled vehicle with springs. 0-8-0" the following words shall be inserted, namely:—

On every motor car .. Re. 1-0-0

On every motor cycle or bicycle .. Re. 0-8-0

(2) The following explanations shall be added as explanations 3 and 4 to Schedule II of the Regulation, viz.:

"Explanation 3:—No toll shall be levied on any vehicle and animal if within a period of 24 hours counted from sunrise to sunrise a toll has been levied thereon at any other Municipal, District Fund or State toll gate, provided that when toll has been paid in respect of any vehicle or animal not laden or unriden, the difference between such toll and the toll payable in respect of such vehicle or animal laden or ridden, shall be collected, if such vehicle or animal again passes through a Municipal toll gate, laden or ridden within such period.

Explanation 4:—Any Municipal Council may, with the previous sanction of the Government, declare that payment of tolls on vehicles or animals at any toll gate, whether within or without Mysore, shall clear such vehicles or animals at any of their toll gates."

SCHEDULE II A.

(See Section 59, clause xi.)

		Sort				
		1st	2nd	3rd	4th	5th
Shops (Mandi) where all sorts of articles are sold, per shop.	In City Municipalities ..	60	40	30	20	...
	In other Municipalities ..	80	25	20	10	...
Shops in which piece goods are sold, per shop.	In City Municipalities ..	20	15	12	8	...
	In other Municipalities ..	15	12	10	8	...
Other shops, per shop.	In City Municipalities ..	10	12	9	6	4
	In other Municipalities ..	12	10	7	4	2